selling intoxicating liquor to any minor, or suffering the same to be done, and section 20, providing that any sale made to any minor or on Sunday by any agent or other person acting for any retailer, when considered together and made to harmonize, proof of a sale by an agent does not make a liquor dealer criminally liable when the sale is made at his place of business by one assuming to act as his agent, where he shows, either that such person was not his agent, or that the sale was made in violation of his orders. Ramsey, J., *dissenting.*

The defense may be that the servant made the unlawful sale unauthorized, giving rise to a presumption of innocence even in cases of illegal liquor selling. *Commonwealth v. Briant,* 142 Mass. 463. So where the defendant kept a general store and in his absence the clerk sold liquor, the proprietor was not held liable. *Grosch v. City of Centralia,* 6 Ill. App. 107. If against the express instructions of the employer, the latter is not to be held. *Lathrope v. State,* 51 Ind. 192. But in some jurisdictions where the clerk sells to minors, there is no defense even though the defendant gave instructions against it. *Mogler v. State,* 47 Ark. 109. The employer is not liable for sales made on Sunday without proof of authority express or implied, if the agent is employed only to work on week days. *State v. Burke,* 15 R. I. 324.

MASTER AND SERVANT—DEATH OF SERVANT—"FELLOW SERVANTS"—SECTION HAND WITH ENGINEER.—DEGONIA V. ST. LOUIS, I. M. & S. RY., 123 S. W. 807 (MO.).—*Held,* that a section hand working on a railroad track is not a fellow servant of the engineer of a passenger train by which he was killed. Valliant, Lamm, J. J., *dissenting.*

In determining who are fellow servants it is generally held that where a servant is employed in a department of a general service which is separate and distinct from that of the servant or servants whose negligence caused injury, the fellow servant rule does not apply and the master is liable. *Sullivan v. Mo. Pac. Ry.,* 97 Mo. 113. However, in *H. & T. C. Ry. Co. v. Rider,* 62 Tex. 267, it was held where several serve the same employer, work under the same control, deriving their authority and compensation from the same common source, they are fellow servants, though their labor may be performed in different departments of the same common service. One servant can not maintain an action against the common master for injury caused by carelessness or negligence of another engaged in same service, where competent servants have been employed. *Ill. Cent. Ry. v. Cox,* 21 Ill. 29. But the fact that the negligence of a fellow servant concurs with the negligence of the master in causing the injury to the servant does not exempt the master from liability for his neglect. *Merril v. Oregon Short Line Ry. Co.,* 29 Utah, 264. In a similar case, *Connally v. Minneapolis Eastern Ry. Co.,* 38 Minn. 80, it was held that a section hand was a fellow servant of an engineer and that a railway company was not liable for negligence of engineer or brakeman of the train.

MUNICIPAL CORPORATIONS—DEFECTS IN STREET—REASONABLY SAFE FOR PUBLIC TRAVEL.—NORTHRUP V. CITY OF PONTIAC, 123 N. W. REP. 1107